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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,799	02/12/2004	Dmitrii Andreev	END920030006US1	5834
36449 7590 03/13/2009 SCHMEISER, OLSEN & WATTS 22 CENTURY HILL DRIVE SUITE 302 LATHAM, NY 12110				
EXAMINER NAJEE-ULLAH, TARIQ S				
ART UNIT		PAPER NUMBER		
2456				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/777,799

Applicant(s)

ANDREEV ET AL.

Examiner

TARIQ S. NAJEE-ULLAH

Art Unit

2456

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-893)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

1. This is the Office action in response to the appeal brief filed on December 8, 2008. Claims 1 and 5 are pending.
2. The Appeal conference January 13, 2009 resulted in a decision being made to re-open prosecution.
3. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

4. Applicant's arguments regarding the rejection of claim 1 under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 7,171,473 to Eftis et al (Eftis hereinafter) in view of US Patent Application Publication Number 2002/0111942 to Campbell et al (Campbell hereinafter) have been considered but are moot in view of the new grounds of rejection.
5. Applicant's arguments regarding the rejection of claim 5 under 35 U.S.C. 103(a) as being unpatentable over the combination of Eftis-Campbell as applied to claim 1 above, and further in view of US Patent Number 7,263,526 to Busey et al (Busey hereinafter) have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over IEEE paper "Collaborative Environment for Supporting Web Users" by Aoki published February 2001 (Aoki hereinafter) in view of US Patent Application Publication Number 2002/0062348 to Maehiro et al (Maehiro hereinafter) and further in view of US Patent Number 5,768,515 to Choquier et al (Choquier hereinafter).

Regarding claim 1, Aoki teaches **first user downloading from said server browser executable code for initiating a chat session** (Aoki teaches downloading an HTML document with embedded script and applet tools that provide collaborative functions, i.e. initiating chat; pg. 2312-2316, sections 4.1 - 5); **said first user executing said browser executable code to display at a first browser window** (Aoki teaches downloading an HTML document with embedded script and applet tools that provide collaborative functions, i.e. initiating chat; pg. 2312-2316, sections 4.1 - 5) **a chat invitation form including a header field, an instruction field, one or more fields for entering user identifiers, and a message field** (Aoki does not explicitly teach this limitation); **said first user entering to said chat invitation form one or more user identifiers including a user identifier for said second user, and optionally a message to said message field** (Aoki does not explicitly teach this limitation); **receiving at said server from said first user a request to enter chat mode with a second user** (Aoki does not explicitly teach this limitation); **receiving asynchronously**

at said server from said second user an HTTP request to download content from said server or any other intranet or Intranet server (Aoki does not explicitly teach this limitation), **said second user not currently executing a chat applet instance and being unaware of said request from said first user to enter chat mode** (Aoki does not explicitly teach this limitation); **said server responding to said HTTP request from said second user with an HTTP response including said content modified with a chat user interface to open a browser window including a header field, a messages field, and a response field, which browser window downloads a chat applet instance for execution at said second user** (Aoki teaches downloading an HTML document with embedded script and applet tools that provide collaborative functions, i.e. initiating chat and providing collaborative tools via chat applet and script tools between two users; pg. 2312-2316, sections 4.1 – 5. Aoki also teaches a server responding to HTTP requests from a user; pg. 2313-2314, section 4.4); **executing said chat applet instance at said second user to instantiate a chat session between said first user and said second user** (Aoki teaches downloading an HTML document with embedded script and applet tools that provide collaborative functions, i.e. initiating chat and providing collaborative tools via chat applet and script tools between two users; pg. 2312-2316, sections 4.1 – 5.); **and establishing a persistent connection between said second browser and said server to establish a channel for message exchange between said first and second browsers with said server acting as proxy** (Aoki teaches the establishment of secure collaborative sessions over a proxy via web browsers at two different clients; pg. 2312-2316, sections 4.2 - 5).

Aoki does not explicitly teach displaying at a first browser window a chat invitation form including a header field, an instruction field, one or more fields for entering user identifiers, and a message field; said first user entering to said chat invitation form one or more user identifiers including a user identifier for said second user, and optionally a message to said message field; receiving at said server from said first user a request to enter chat mode with a second user.

Maehiro teaches displaying **at a first browser window a chat invitation form including a header field, an instruction field, one or more fields for entering user identifiers, and a message field** (Maehiro teaches a chat invitation form with a to and from user information, text box for a message, and title; fig. 3, pg. 3, par. 34-37; Maehiro teaches header information, identifiers, message field, command, i.e. instructions; fig. 5, pg. 3, par. 38-40); **said first user entering to said chat invitation form one or more user identifiers including a user identifier for said second user, and optionally a message to said message field** (Maehiro teaches a chat invitation form with a to and from user information, text box for a message, and title; fig. 3, pg. 3, par. 34-37); **receiving at said server from said first user a request to enter chat mode with a second user** (Maehiro teaches a chat opening message request, i.e. chat invitation request, being send to the message server; pg. 3, par. 34-35).

To provide the collaborative communication system of Aoki with the added functionality of a chat invitation form one or more user identifiers including a user identifier for said second user, and optionally a message to said message field would have been obvious to one of ordinary skill in the art in view of the teachings of Maehiro,

since all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill in the art at the time of the invention.

Aoki nor Maehiro explicitly teach receiving asynchronously at said server from said second user an HTTP request to download content from said server or any other intranet or Intranet server (Aoki does not explicitly teach this limitation), said second user not currently executing a chat applet instance and being unaware of said request from said first user to enter chat mode (Aoki does not explicitly teach this limitation).

Choquier teaches **receiving asynchronously at said server from said second user an HTTP request to download content from said server or any other intranet or Intranet server** (Choquier teaches a client transmitting a message request to a server requesting a copy of a resource or file-object residing in a file system accessible to the server or the server itself; col. 4, lines 15-53), **said second user not currently executing a chat applet instance and being unaware of said request from said first user to enter chat mode** (Choquier teaches a client transmitting a message request to a server requesting a copy of a resource or file-object residing in a file system accessible to the server or the server itself independent of any knowledge of a previous request or prior message from the server; col. 4, lines 15-53. This request is independent of any message from another client to the same server.).

To provide the collaborative communication system of Aoki-Maehiro with the added functionality of receiving asynchronously at a server from a second user an

HTTP request to download content from the server or any other intranet or Intranet server would have been obvious to one of ordinary skill in the art in view of the teachings of Choquier, since all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill in the art at the time of the invention.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Aoki-Maehiro-Choquier as applied to claim 1 above, and further in view of US Patent Number 7,263,526 to Busey et al (Busey hereinafter).

Regarding claim 5, Aoki-Maehiro-Choquier teaches the limitations of claim 1 but not the further limitations of claim 5. Busey teaches **authenticating said first user to a message engine at said server to enable unicast messaging capabilities** (Busey teaches all such users are able to interact with one another which includes one user interacting exclusively with another user one-to-one, i.e. unicast messaging, Fig. 6; Col. 6, lines 51-61); **and thereafter serving to said first user, in response to an asynchronous message from said first user requesting server content** (Busey teaches all such users are able to interact with one another which includes one user interacting exclusively with another user one-to-one, i.e. unicast messaging, Fig. 6; Col. 6, lines 51-61), **a user interface to a collaboration tool for conveying text and/or**

multimedia messages with respect to said first user and an administration server
(Busey, Figs. 6, 9).

To provide the collaborative communication system of Aoki-Maehiro-Choquier with the added functionality of authenticating users to provide unicast messaging would have been obvious to one of ordinary skill in the art in view of the teachings of Busey, since all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill in the art at the time of the invention.

Conclusion

9. The following prior art is made of record and not relied upon is considered pertinent to applicant's disclosure: US 5796393 to MacNaughton; Bruce A. et al.; US 5964836 to Rowe et al; US 6499053 to Marquette; Brian N. et al; US 6519629 to Harvey; Jamey et al.; US 7,000,019 to Low et al.; US 2001/0027474 to Nachman et al.; US 2002/0073210 to Low et al; US 2002/0095336 to Trifon et al; US 2003/0014485 to Banatwala; US 2003/0140103 to Szeto et al.; US 20030225833 A1 to Pilat, Paul et al.; US 20050147086 to Rosenberg, Jonathan David et al.; US 20050171999 to Bond, Gregory W. et al.; US 2006/0010201 to Roskowski et al.; US 2006/0026237 to Wang et al.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TARIQ S. NAJEE-ULLAH whose telephone number is (571)270-5013. The examiner can normally be reached on Monday through Friday 8:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T. N.

/Kenny S Lin/
Primary Examiner, Art Unit 2452